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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Marie-Claude GINGRAS, et al.

SERIAL NO: 10/021,509

GROUP: 1644

FILED: December 7, 2001

EXAMINER: Michail A. BELYAVSKYI

RCE FILED: December 13, 2004

FOR: TREM-1 SPLICE VARIANT FOR USE IN MODIFYING IMMUNE
RESPONSES

LETTER

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Australian Office Action for the Examiner's consideration. The reference(s) cited therein have been previously filed on January 7, 2003.

Respectfully Submitted,

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MAIER & NEUSTADT, P.C.
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Australian Government

IP Australia

16 August 2005

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Your Ref: 12756BAY/AMM:APS:sst

Examiner's first report on patent application no. 2002246642
by Baylor College of Medicine

Last proposed amendment no. 2

Dear Madam/Sir,

I am replying to the request for examination. I have based this report on the pamphlet and the statement of proposed amendments under S104 of 22 July 2003. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. Claims 1-2, 4-30 and 35-38 lack an inventive step in the light of the following document and the common general knowledge in the art.

Filed 1-7-03 BOUCHAN et al, Cutting Edge: Inflammatory responses can be triggered by TREM-1, a Novel Receptor Expressed on Neutrophils and Monocytes. *J. Immunol.* 15 May 2000, Vol 164, pages 4991-4995, see entire document.

I agree with the reasoning given in the IPER.

NOTE: There is a current postponement of acceptance in place. If you overcome all other objections before the expiration of that postponement, the Commissioner will only accept the application at that time if you have filed a clear and unambiguous statement requesting the withdrawal of that postponement. Otherwise, a further adverse report will be issued.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse.

You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

You will also need to pay any annual continuation fees that apply. These will normally be first due five years from the filing date. Please note however that earlier commencement dates apply for divisional applications.

Information about fees may be obtained by phoning 1300 651010.

Yours faithfully,

Shubhra

SHUBHRA CHANDRA
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